REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1-23 were pending in this application. By way of this reply, claims 2, 7-9, 11, 16, and 18-23 have been canceled without prejudice or disclaimer. Accordingly, claims 1, 3-6, 10, 12-15, and 17 are pending in this application. Claims 1, 10, and 17 are independent. The remaining claims depend, directly or indirectly, from claim 1 or 10.

Claim Amendments

Claims 1, 10, and 17 have been amended in this reply to clarify the present invention recited. The amendments are fully supported by, for example, descriptions on page 15, lines 5-8, page 25, lines 10-15, of the original specification. No new matter has been added by these amendments.

Objection(s)

Claim 22 was objected to as being informalities. Claim 22 has been canceled without prejudice or disclaimer in this reply. Thus, this objection is now moot. Accordingly, withdrawal of this objection is respectfully requested.

Rejection(s) under 35 U.S.C § 101

Claims 8, 9, 18, 21, and 23 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claims 8, 9, 18, 21, and 23 have been canceled without prejudice or disclaimer in this reply. Thus, this rejection is now moot. Accordingly, withdrawal of this rejection is respectfully requested.

Rejection(s) under 35 U.S.C § 112

Claims 8, 9, 18, and 21 were rejected under 35 U.S.C. §112 as being indefinite. Claims 8, 9, 18, and 21 have been canceled in this reply. Thus, this rejection is now moot. Accordingly, withdrawal of this rejection is respectfully requested.

Rejection(s) under 35 U.S.C § 102

Claims 1, 7-10, 16 and 18-23 were rejected under 35 U.S.C. §102 as being anticipated by Intel® IA-64 *"Architecture Software Developer's Manual"*, January 2000 ("IA-64"). Claims 7-9, 16, and 18-23 have been canceled in this reply. Thus, this rejection as applied to claims 7-9, 16, and 18-23 is now moot. Accordingly, withdrawal of this rejection as applied to claims 7-9, 16, and 18-23 is respectfully requested. Claims 1 and 10 have been amended in this reply to clarify the present invention recited. To the extent that this rejection may still apply to the amended claims, the rejection is respectfully traversed.

Independent claim 1, as amended, recites an extensible rule-based technique for optimizing predicated code. Specifically, amended claim 1 includes the limitation of "optimizing the machine representation based on a combination of a predetermined cover analysis and a predetermined replacement pattern such that a redundant instruction in the

machine representation is eliminated."

IA-64, in contrast, does not disclose the limitation as recited in claim 1. IA-64 merely discloses optimizing program performance using predication. The predication as depicted in IA-64 means *if-conversion*. If-conversion is a process of predicating instructions in conditional blocks and removing branches. IA-64 merely discloses that the predication enables optimizations that branches are completely removed from some program sequences. Thus, IA-64 does not show or suggest the optimizing process as recited in claim 1.

In view of the above, IA-64 fails to show or suggest the present invention as recited in claim 1 as amended. Also, independent claim 10 includes the similar limitations as recited in claim 1 as amended. Thus, claims 1 and 10 as amended are patentable over IA-64. Dependent claims are allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Rejection(s) under 35 U.S.C § 103

Claims 2-4, 6, 11-13, and 15 were rejected under 35 U.S.C. §103(a) as being obvious over IA-64 in view of Hwu et al, "*A Framework for balancing Control Flow and Predication*", 1997 ("Hwu et al."). Claims 2 and 11 have been canceled in this reply. Thus, this rejection as applied to claims 2 and 11 is now moot. Claims 3, 4, 6, 12, 13, and 15 depend, directly or indirectly, from either claim 1 or 10. As mentioned above, in view of the complete lack of disclosure or suggestion of the optimizing process, IA-64 does not anticipate or render obvious claims 1 and 10. Further, Hwu et al. fails to provide that which IA-64 lacks. Thus, claims 1 and 10 are patentable over IA-64 and Hwu et al., whether

considered separately or in combination. Dependent claims are patentable for at least the same reasons. Accordingly, withdrawal of the rejection is respectfully requested.

Further, claims 5, 14, and 17 were rejected under 35 U.S.C. §103(a) as being obvious over IA-64 in view of Hwu et al and U.S. Patent No. 5,999,738 ("Schlansker et al."). Claims 5 and 14 depend, directly or indirectly, from either claim 1 or 10. As mentioned above, in view of the complete lack of disclosure or suggestion of the optimizing process, IA-64 and Hwu et al. do not anticipate or render obvious claims 1 and 10. Further, Schelansker et al. fails to provide that which IA-64 and Hwu et al. lack. Thus, claims 1 and 10 are patentable over IA-64, Hwu et al., and Schlansker et al., whether considered separately or in combination. Dependent claims 5 and 14 are also patentable for at least the same reasons. In addition, claim 17, as amended, includes the similar limitation as recited in claim 1. Thus, claim 17 is patentable over IA-64, Hwu et al., and Schlansker et al., whether considered separately or in combination. Accordingly, withdrawal of the rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 03226.037 001; P5009).

Respectfully submitted,

Date: 6/29/04

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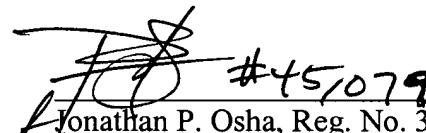
Jonathan P. Osha, Reg. No. 33,986
Osha & May L.L.P.
One Houston Center, Suite 2800
1221 McKinney Street
Houston, TX 77010
Telephone: (713) 228-8600
Facsimile: (713) 228-8778

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